

MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD

SHREVEPORT, LOUISIANA

PART I

RULES AND REGULATIONS

Subpart A - Practice and Procedure

Section 1. General

- (a) These rules are promulgated for the information and guidance of all concerned, in order to provide an orderly method of procedure in matters considered by the board. However, the board will have complete charge of its hearings, proceedings and investigations and will conduct any particular matter as it considers to be appropriate under the circumstances, giving due regard to the interests of all parties. The procedure followed will be informal and not necessarily bound by the legalistic rules of evidence.
- (b) The board is not required to have testimony taken and transcribed, but any party may, at his own expense, make the necessary arrangements therefor using a competent shorthand reporter satisfactory to the board.
- (c) All documents are properly filed with the secretary of the board. Parties are reminded, however, that the 5-member board consists of an elected representative from each of the police and fire departments and three members of the public appointed by the city council, and, accordingly, if time is a factor, parties might consider the desirability of also sending copies directly to the several board members of anything that they would like to be sure the board members have read before a meeting.
- (d) References herein to "the appointing authority" may be considered to refer to the chief of the departmental service involved, or, in procedural matters, to the city attorney if the latter has entered an appearance in a particular matter.

Section 2. Petition

- (a) Requests for action by the board (herein called "petitions") must be in writing and filed with the secretary of the board within the time permitted by any applicable law. No particular form is required for a petition and it may simply be a letter to the board; but it should state clearly what is being complained of and what the board is requested to do. It will be helpful if an original and 6 copies are filed in order to facilitate distribution by the secretary.

- (b) Upon receipt of a petition, the secretary of the board should note thereon the date of its receipt and distribute copies to each of the five board members and to the chief of the departmental service involved.
- (c) The appointing authority may file an answer to a petition. If an answer is filed, a copy should be simultaneously delivered or mailed to the petitioner and/or the petitioner's attorney, preferably at least 3 days before the matter will be considered by the board.

Section 3. Prehearing Procedure

- (a) In the case of appeals timely filed in writing under Section 31 of the Municipal Fire and Police Civil Service Law, the board will grant a hearing within 30 days after receipt of the request and will advise the employee, the appointing authority, and the city attorney's office at least 10 days in advance of the date, time, and place of the hearing. In the case of other petitions, the board will consider the matter in due time under Section 7 of said Law.
- (b) If a petitioner will be represented by an attorney at a hearing or other meeting of the board, it will be helpful if the secretary of the board is advised of this fact ahead of time. Upon receipt of such information, the secretary should so advise the board members and the appointing authority.
- (c) It is difficult for all five board members to coordinate their own schedules to accommodate changes in meeting dates so requests to reschedule a hearing should only be made when absolutely necessary. Requests should be made to the secretary in writing and should include the reason for the change. The board will act on such requests as it determines to be in the public interest under the circumstances.
- (d) If, at the appointed time for a hearing, the board does not have a quorum present, or finds other cause for not proceeding, or if a matter is not completed in one day, the hearing will be recessed, to a date certain if one can be mutually agreed on at the time; otherwise, the secretary will notify all parties of the new hearing date as soon as the board sets it.
- (e) Any other employee who will be materially affected by a decision of the board either for or against a petitioner may request permission to intervene and participate in the proceeding or to appear and state his position. If possible, such requests should be filed in writing at least three days before the date the board meets to consider the matter, but the board reserves the right to hear anyone who wants to be heard at the time. The allowance of a

particular intervention will rest in the board's discretion exercised in good faith. Any employee who does not make his position known to the board when it considers a matter may be considered to have waived his right to complain later about the board's decision and the consequences thereof as they may affect him.

- (f) Upon request, the board may in its discretion sequester the witnesses in a particular matter to prevent their hearing the testimony of other witnesses. The parties should recognize, however, that the board is not adequately staffed to effectively supervise sequestration of witnesses, and in view of the relative informality of the board's proceedings the board will normally not entertain motions to disqualify witnesses for alleged conversations while under the rule, provided that the board may on its own motion take such action as it considers appropriate with respect to such violations of the rule as are called to its attention.
- (g) In any cases coming before the board, any party wishing to have eleven (11) or more subpoenas served, the eleventh and subsequent will pay an advance fee of ten dollars (\$10.00) for each one. The board reserves the right to waive this rule in extreme cases for cause if considers sufficient.
- (h) Please be advised that it is the policy of the civil service board to restrict to two the number of character witnesses who may testify at any Civil Service Board hearing. Pursuant to L.S.A. R.S. 13:3662, the Appellant will be responsible for any fees or compensation due to character witnesses. The Board may waive this policy by majority vote for good cause shown.

Section 4. Hearing Procedure

- (a) All parties, or their attorneys, will state their appearances (names and addresses) for the record.
- (b) Parties should bear in mind that individual board members usually have very little, if any, advance information about a matter coming on for hearing, and that, accordingly, a brief preliminary statement will help the board understand the nature of the problem before it and what it is being asked to do.
- (c) Except as the board may otherwise direct, in disciplinary matters the appointing authority will present evidence first; in other matters the petitioning party will present evidence first.
- (d) All persons who will offer testimony or make statements of fact during the hearing will be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made

at any time during the hearing by any person after having been thus sworn will be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.

- (e) An effort will be made to complete the interrogation of each witness by all parties before beginning the interrogation of the next witness. However, the board's hearings can sometimes be expedited by a discussion type interrogation involving more than one witness at a time and this will be permitted upon occasion within such limitations as the board may find necessary or desirable in a particular case.
- (f) Documentary evidence will be filed with and marked for identification by the secretary of the board, or some other person designated for the purpose by the presiding officer.
- (g) At the conclusion of the hearing, the board may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate. If the proceedings are being transcribed by an official reporter, the oral argument may or may not be transcribed and bound with the transcript of testimony as the board may direct.
- (h) The board may permit or require the filing of briefs, in which event, unless otherwise ordered by the board, simultaneous briefs shall be filed within seven days after conclusion of the hearing. Unless otherwise indicated at the hearing, the board may decide the matter without waiting for reply briefs, although the board will consider any reply briefs which are received in time to assist in its decision.
- (i) The decision of the board on an appeal from a discharge, disciplinary or corrective action, and any other action of the board that requires enforcement, together with the board's written finding of fact if required in a particular case, will be certified in writing to the appointing authority for enforcement.
- (j) Information available from a particular witness may be received in narrative form, by question and answer, or otherwise as may be directed by the board from time to time.
- (k) If an objection is raised to particular testimony and evidence on the grounds that it is hearsay, such objection will normally be overruled by the presiding officer and the testimony and evidence will be heard and received in order to have as much information available to the board as expeditiously as possible, provided that if such testimony or evidence would be subject to a valid hearsay objection in a court of law the attorney or party raising the objection may point this out to the board and in such case the board shall take this into account in the weight that it accords such testimony giving due regard as the board may determine to whether the facts at issue are otherwise supported or contradicted during the course of the hearing.
- (l) Rulings on procedural matters will normally be made by the

presiding officer, and parties and attorneys appearing before the board shall not have the right to require "a vote of the full board" on particular procedural matters arising during the progress of a hearing, provided that a vote of the full board may be had on any matter at any time when called for by the presiding officer or requested by any two board members. In the event of a tie vote on a procedural matter, the ruling of the presiding officer shall prevail in order that the hearing can proceed forthwith.

Subpart B - General Conditions of Employment

Section 1. Applicability

Except as may be otherwise provided in the description of a particular classification, these General Conditions of Employment apply to all classifications in the classified services, provided that the rules and regulations and the classification plans of this board are in all respects subject to the requirements of the Municipal Fire and Police Civil Service Law and any other applicable laws and judicial decrees binding on this board.

Section 2. Educational Requirements

New employees must be high school graduates or possess an equivalent certificate, issued by an appropriate governmental authority and acceptable to the board.

Section 3. Physical Requirements

- (a) New employees must meet reasonable physical standards approved by the board and pass a physical examination sufficient to satisfy the city physician, or other physician designated by the appointing authority for the purpose, that they are in good health and physically qualified to safely and efficiently perform all work they may reasonably be expected to have to perform in the course of their employment. The physical standards now in use by the city physician for employment purposes are hereby approved, subject to modification by the board as it may consider to be necessary and in the public interest from time to time.
- (b) As a condition of employment or confirmation, the appointing authority may also require a new employees to pass physical fitness and agility tests, as well as psychological or stress evaluation tests as appropriate, that bear a reasonable relationship to work the employee may have to do in the course of his employment to demonstrate his ability to do all required work safely and

satisfactorily, giving due regard not only to the employee's own safety but also to the safety of his fellow employees and the general public he will be responsible for protecting.

- (c) The appointing authority may require regular employees to pass physical examinations, fitness and agility tests, and psychological or stress evaluation tests as may be indicated from time to time, including particularly before promotion or other assignment to a new job, to demonstrate their continuing fitness and ability to respond reasonably and in a professional manner to all demands that are apt to be placed on them in the course of their employment, giving the same regard to safety of their fellow employees and the general public as is considered necessary in the case of new employees.
- (d) Without prejudice to the right of any employee to sick leave under the rules of this board and applicable laws when justified by the facts and circumstances, an employee's inability or failure, after a reasonable opportunity, to meet the physical requirements of his job and/or to satisfactorily perform all the duties normal to his position and rank on a regular and continuing basis shall be grounds for termination.

Section 4. Examples of Work

The examples of work listed in the several classification descriptions are illustrative only and are intended to show the general types of work normally performed in that classification without intending to limit duties to those listed or to indicate that all employees in the classification will necessarily be required to perform all of the duties listed or to indicate that any particular classification has the exclusive right to or responsibility for any particular work. Assignment of specific duties is the primary responsibility of the appointing authority.

Section 5. Knowledge, Skills and Ability

The requirement that an employee have a certain knowledge, skill, or ability for a particular classification is not satisfied unless the employee also consistently demonstrates that he is ready, willing and able to use such knowledge, skill, or ability for the efficient performance of the duties of the classification. Subject to such exceptions as the appointing authority may determine to be in the public interest in particular instances, each promotional classification is normally considered to require all of the knowledge, skills, and abilities of all the lower classifications in that promotional line.

Section 6. Special Eligibility Requirements

The requirement that an applicant meet certain special eligibility requirements for a particular classification, as, for example, a requirement that the applicant have a year's experience in the next lower class, will be determined as of the end of the last day on which applications for the test for that classification may be filed, unless the board expressly finds it to be in the public interest to make an exception in a particular case and does so by appropriate action.

Subpart C - Leaves of Absence**Section 1. Vacation Leave**

- (a) Employees shall be entitled to an annual vacation with pay during each calendar year (January 1 through December 31) in accordance with the following schedule:
 - (1) During each calendar year following the 1st, 2nd, 3rd, 4th, and 5th anniversaries of his employment date, the employee will be entitled to a vacation of 18 calendar days;
 - (2) During each calendar year following the 6th, 7th, 8th, and 9th anniversaries, a vacation of 21 calendar days;
 - (3) During each calendar year following the 10th, 11th, 12th, 13th, and 14th, anniversaries, a vacation of 27 calendar days;
 - (4) During each calendar year following the 15th and each successive anniversary thereafter, a vacation of 30 calendar days; and
 - (5) In the case of a new employee's first vacation, during the period between the first anniversary of such employee's employment date and the following December 31, the employee will be entitled to a vacation of 18 calendar days, provided that the appointing authority may allow this first vacation prior to said first anniversary date as the efficient administration of the department may require.
- (b) The appointing authority is directed to institute and follow reasonable departmental procedures for the efficient establishment and administration of vacation schedules, giving due regard to seniority to the extent practicable with first consideration always to the safe and efficient operation of the respective departments for the protection at all times of the people of Shreveport.
- (c) Employees who separate from the department on or after the first anniversary of their employment date for any reason

other than (i) resignation, (ii) termination for cause, or (iii) failure to be confirmed after the initial working test period, shall be paid for earned but unused vacation time in accordance with the following rules:

- (1) The employee shall be paid for any vacation he is still entitled to during the current year in which the separation occurs but which he has not yet taken.
 - (2) The employee will be paid for some of the vacation time he would have been entitled to during the next calendar year, based on how long he has worked in the current year before separation, in accordance with the following accrual formula: Multiply the number of complete calendar months worked during the year up to the date of separation times a monthly accrual rate determined by dividing the number of days vacation he would have been entitled to next year by 12.
 - (3) The amount of a payment hereunder will be calculated by multiplying the number of days of unused vacation time the employee is entitled to be paid for by his average daily pay. For this purpose, an employee's "average daily pay" will be 1/30th of the employee's monthly salary as in effect on the date of his separation.
- (d) All vacation time off shall be taken as scheduled by the appointing authority and normally may not be carried forward into the next year, provided that if it is reasonably necessary in the public interest that the appointing authority require a particular employee or employees to continue working under circumstances that prevent their getting all their vacation time off during a particular year, the appointing authority may do so, but in such event the appointing authority shall schedule such earned but unused vacation time in the following year. If the employee agrees, the appointing authority may pay for any such vacation time not taken instead of scheduling it during the following year. Any such payment in lieu of vacation to be calculated at the employee's regular rate of pay that was effective on the last day of the year in which the vacation should normally have been taken.
- (e) Subject to the above, vacation time may be used all at one time or in increments as small as one day (9 days in the case of the fire line), but always subject to the prior approval of the appointing authority.
- (f) An employee who is terminated after 365 days or more of sick leave shall only be entitled to whatever minimum vacation time, if any, or pay in lieu of vacation, if any, the employee may be otherwise entitled to under applicable laws of the State of Louisiana without reference to other rules of this Board.

Section 2. Sick Leave

- (a) An employee who is physically or mentally incapable of satisfactorily performing his assigned duties because of injury or illness shall be entitled to such sick leave and pay as may be justified by the facts and circumstances and required by law (reference La. Rev. Stat. 33:1995 and 33:2214).
- (b) The appointing authority is directed to institute and implement reasonable procedures to document and verify the initial and continuing necessity for sick leaves, as well as the ability of the employee to qualify for and perform his normal duties before he is permitted to return to work after a sick leave. Verification procedures will be mandatory in the case of sick leaves of more than two weeks and discretionary in the case of shorter leaves, and may include reports or statements from the attending physician, examination and reports by a doctor designated by the appointing authority or the board, and/or reasonable physical fitness tests.
- (c) An employee on sick leave for 365 consecutive calendar days shall be subject to termination at that time, unless by further personnel action the appointing authority extends the employee's sick leave for such period or periods as the appointing authority may determine to be in the public interest and necessary under the circumstances. Any extension of sick leave beyond the 365 days maximum shall be without pay, unless the disabling injury or illness necessitating the leave occurred during the course of employment in the classified service in which case, subject to board approval, the extended leave may be with pay or with reduced pay as the appointing authority may determine to be in the public interest.
- (d) Each department shall furnish to the board once a year, in January, a list showing the number of days missed from work on sick leave by each employee who missed as many as 10 days on sick leave during the calendar year just ended.
- (e) Incapacitation because of pregnancy will be treated the same as any other incapacitating "illness" insofar as concerns eligibility for sick leave. Similarly, aspects of pregnancy that do not necessarily incapacitate a woman will also be treated the same as any other physical condition insofar as concerns potential safety hazards to fellow employees and the public.

Section 3. Military Leave

- (a) Military leave shall be granted in the manner and to the extent required by law. The appointing authority may, with the prior approval of the Board, allow more military leave, with or without pay, than the minimum required by law if

and to the extent that the appointing authority determines such procedure to be in the public interest.

- (b) For purpose of determining maximum reimbursable military leave time under La. Rev. Stat. 42:394, or similar laws, the word "day" is interpreted to mean a normal shift, and an employee regularly scheduled to work around the clock 24 hours a day (as, for example, a fire fighter) will be deemed to have used up three days of reimbursable leave time for each such 24-hour period that he misses and is paid for by the city while on military duty.

- (c) If an employee requests time off for military duty in excess of the time required by law, the appointing authority may consider the request under Section 6 below (Special Leave).
- (d) Subject to prior approval of the appointing authority, an employee may exchange work assignments with another employee qualified to do his work, in order to avoid missing time from work to meet military duty requirements.

Section 4. Occupational Organization Leave

Leave with pay may be granted to regular employees for the purpose of attending city, district, state, national, or international meetings of employees' occupational organizations. Under no circumstances shall such leave be granted to more than six (6) members of each department at a given time and such leaves shall be limited to thirty (30) days in the calendar year.

Section 5. Special Leave

- (a) Special leave may be granted for a period not to exceed 18 months upon findings that such leave is in the best interest of the departmental service and that it can be granted without unduly impairing the efficiency of the department, provided that any such special leave in excess of two weeks will be subject to the approval of the board. It is contemplated that such leaves would normally be without pay, but they may be granted with pay or with reduced pay as the appointing authority may determine the circumstances to warrant. If the employee does not return to work at the expiration of such leave, he shall be subject to termination for failure to report to work.
- (b) Each department shall furnish to the board once a year, in January, a list of all special leaves granted under this section during the calendar year just ended that were not otherwise reported to the board for approval.

Section 6. Compensatory Time Off Leave

- (a) The appointing authority may allow a classified employee "compensatory time off" instead of holiday pay, in accordance with these rules.
- (b) The appointing authority shall designate the compensatory holidays, dates, or days that the employee shall observe, and shall communicate this information to the employee promptly after the decision has been made. For this purpose communication will be deemed accomplished by either notifying the employee personally or by posting at an appropriate place in the department.

- (c) If the employee advises the appointing authority of a preference for a particular compensatory time off date, then due regard shall be given the expressed preference of the employee insofar as practicable and consistent with these rules and safe and efficient operation of the department.
- (d) Because of the frequency with which this type of time off is apt to occur, the appointing authority should make a particular effort to schedule compensatory time off in such a manner as to avoid the necessity for paying overtime to another employee to cover for the employee receiving the compensatory time off, giving due regard to the nature of the particular job concerned and the reasonable availability of alternative means to cover that job.
- (e) If more than one employee timely expresses preference for a particular compensatory time off date, due regard will be given to seniority insofar as practicable and consistent with safe and efficient operation of the department.
- (f) If an employee gives at least seven days prior written notice of a special preference of a compensatory time off date, such a request is to be accommodated (without regard to seniority except as against a more senior employee who also has given the seven days prior written notice) insofar as practicable and consistent with the safe and efficient operation of the department.
- (g) Nothing herein is intended to require the appointing authority to make any particular preferential assignment of compensatory time off or to take any other particular personnel action except as the appointing authority may determine to be in the best interest of the safe and efficient operation of the department at the time.
- (h) If a particular employee has not taken compensatory time off within 12 months after the date of the holiday worked, then such employee shall be paid in the second pay check following such 12-month period an amount equal to the overtime pay he would have been otherwise entitled to for having worked the holiday and upon such payment he will no longer be entitled to compensatory time off for that holiday.

Section 7. Departmental Leave

- (a) The purpose of these rules is to make provision for the possibility that a classified employee may be indicted for a crime. As used herein, the term "indictment" is intended to include not only formal indictment by a grand jury but also a bill of information or other procedure instituting a criminal prosecution and filed by a law enforcement official.

- (b) When an employee is charged with a felony he shall, and if a misdemeanor he may, be immediately relieved of duty and placed on "departmental leave" for up to one week at full pay and with continuing seniority. This "automatic" one week leave has these purposes:
 - (1) It will allow the employee some time to help his family adjust to the situation, to investigate the charges, to employ an attorney and, hopefully, get the charges dropped or dismissed if he can demonstrate to the proper authorities that they should be dropped or dismissed.
 - (2) It will serve to reassure the people of Shreveport that a criminal matter involving one of their public safety officers is under control and being handled expeditiously.
 - (3) It will allow the appointing authority time to have the matter investigated carefully and deliberately before he has to decide how best to handle it over the long term. It will also permit his long-term decision to be made out of the immediate context of the publicity that usually results from such indictments.
 - (4) By operating "automatically" this procedure should minimize any prejudicial effect on the criminal proceeding that special personnel action might otherwise have at the time of the indictment itself.
- (c) The following factors should be considered in arriving at an appropriate course of action in this type of situation:
 - (1) First consideration should be given to the best interest of the people of Shreveport, because the fire and police services exist to protect the public, and the appointing authority is charged with responsibility for assuring the effectiveness and continuity of that protection.
 - (2) Due consideration must also be given, however, to the employee's right to be presumed innocent until proven guilty, because an indictment is only an accusation and not proof of guilt.
 - (3) Although an employee may not be "disciplined" just because he has been "indicted," he may be subject to disciplinary action, including termination in a proper case, on the basis of facts out of which the indictment arose.
 - (4) The maximum disciplinary suspension period permitted by law (presently 90 days) may expire before trial on the criminal charges can be had.
 - (5) It is possible that some kind of action other than

"disciplinary" may be required by the public interest if the fact that an officer is under indictment impairs his effectiveness to function in his official capacity under the circumstances of a particular case.

- (6) Ultimate conviction, or a guilty or no contest plea, may justify disciplinary action in and of itself, depending upon the circumstances of a particular case.
- (d) Nothing herein is intended to restrict or limit the appointing authority's management of the fire and police departments as he determines to be in the public interest in the exercise of his executive responsibilities under applicable laws. In the case of an indicted employee, the following personnel actions may be in the public interest:
 - (1) If the facts warrant immediate disciplinary action, the employee may be terminated or suspended for up to the maximum period permitted by law. If the criminal charges are still pending at the end of a disciplinary suspension period, some other non-disciplinary action may then be required by the public interest depending upon the circumstances and public attitudes in a particular case.
 - (2) A decision on disciplinary action may be deferred until after the criminal charges have been resolved, either because it is felt that to proceed under the Municipal Fire and Police Civil Service Law might prejudice the criminal trial or because for some other reason the appointing authority considers this course of action to be in the public interest. In this case, again, some kind of non-disciplinary action may be necessary in the public interest while the criminal charges are pending.
 - (3) An employee not under disciplinary suspension but still under indictment may be returned to his regular duties pending resolution of the criminal charges, but only if the appointing authority determines that he can function effectively in his official capacity under the circumstances. Alternatively, such employee may be assigned to special duties that he can effectively perform until the criminal charges are resolved, in which case he would normally continue to draw his regular pay. However, if the nature of the charges and the impact of resulting publicity on the general public are such as to make it necessary in the public interest that the employee be relieved of duty while under indictment, the employee may be placed on "extended departmental leave" until the criminal proceedings have been resolved.

On such a leave the employee may draw full pay, reduced pay or no pay as the appointing authority may determine to be appropriate from time to time under the facts and circumstances

of the particular case. Such a leave, being required in the public interest, shall not be considered "disciplinary action" against the employee, and seniority will continue to accrue during the leave.

Section 8. Absence Without Leave

An absence without first obtaining a written leave in accordance with these rules may be covered by an authorized leave upon the return of the employee, provided the circumstances of the absence warrant such action; otherwise disciplinary action may be taken against any such employee. If subsequent leave is not granted, and disciplinary action is not taken, the appointing authority shall immediately report the matter to the board.

Section 9. General

- (a) Appropriate records shall be kept of all leaves of absence, recording the purpose of each leave and its beginning and ending dates, sufficient to permit the review and monitoring of leave policies and practices from time to time. Such records shall be preserved for at least three years after the end of each leave recorded. Major leaves shall be routinely reported to the board in writing for information and, if necessary, approval.
- (b) In granting leaves, due consideration shall always be given to the primary mission of the fire and police services, namely, to provide adequate protection to the people and property of the City of Shreveport at all times.
- (c) Leaves shall only be granted upon the authority of the departmental chiefs or other specifically authorized personnel who are in a position to take into account the continuing fire and police needs of the city in relation to the requested leave and any other contemporaneously effective leaves.
- (d) It is recognized that the nature of some jobs may be such as to make it difficult to avoid payment of overtime to cover the absence of those employees, but insofar as possible a reasonable effort should be made to minimize extra expenses connected with leaves of absence.
- (e) Subject to such exceptions as the appointing authority may find to be in the public interest from time to time, employees are not to be paid for time not worked except to the extent required by law or permitted by these rules.
- (f) Subject to approval of the appointing authority, an employee may charge authorized leave time for which he would not otherwise be entitled to pay hereunder against vacation time, if any, that he may then have remaining in that calendar year.
- (g) No leave (other than such leaves as vacation or military leave) shall be granted to or used by an employee to engage in other employment during his regularly assigned working hours. Any change of hours made for the purpose of evading this provision shall be considered a violation hereof.

Nothing herein is intended to prevent any employee on involuntary leave without pay from working at other employment during such time.

- (h) The right to regulate the time at which any employee may take any leave not beyond the control of the employee shall be vested at all times with the appointing authority.
- (i) A right of appeal is hereby created for the benefit of any employee who is involuntarily placed on leave in accordance with these rules, provided that the appeal is filed in writing with 15 days after the action is taken placing the employee on leave or changing his pay status while on leave. Such an appeal will be considered by the board in due time.
- (j) Whenever board approval of particular action by the appointing authority is required under these leave of absence rules, the appointing authority may consider such approval given if he is not otherwise advised within 14 days after the board's secretary receives written notice from the appointing authority that such approval is required. Upon receipt of any such written notice, the secretary shall promptly furnish a copy to or otherwise inform each board member and the matter will be considered by telephone poll or at a meeting of the board. Approval of any particular matter by the board shall not prevent the board's subsequent investigation of the same matter as the board may determine to be in the public interest.
- (k) The board reserves the right to investigate and set aside any leave granted or used contrary to the provisions and purposes of these rules, or to take any other action it deems necessary or proper under the authority vested in the board by the Municipal Fire and Police Civil Service Law.

Subpart D - Miscellaneous

Section 1. Adoption, Repeal and Amendment of Rules

- (a) A copy of each proposed rule, or repeal or amendment of an existing rule, together with a notice of the date, time, and place of hearing thereon, shall be delivered or mailed by the secretary of the board to each board member, to the mayor, to the state examiner, and to the chief of the departmental service affected who shall be responsible for causing the same to be posted in accordance with law for a period of at least 30 days in advance of the hearing.
- (b) Within 30 days after the board has adopted any rule, whether it is a new rule or amendment of an existing rule, or an abolition in whole or in part thereof, the secretary shall furnish an official copy thereof to each board member, to the mayor, to the state examiner, and to the

chief of the departmental service affected who shall be responsible for causing copies to be furnished to each station as required by law.

Section 2. Civil Service Tests

- (a) There are two types of civil service tests, promotional and competitive.
- (b) Notice of all civil service tests will be posted for at least 30 days before the date of the test and such notice will specify the deadline for filing applications to take that test. In addition, notice of competitive test will be also be published, as required by law.
- (c) All test notices for a particular department are to be consistently posted in the same reasonably public place or places in order that employees will always know where to look for such information.
- (d) Test applications not received by the deadline specified in the notice for that test must be rejected under the law.
- (e) Test applications should be filed with the applicant's service representative on the board, but may be filed with the secretary of the board or with any other responsible employee expressly designated by the appointing authority to receive such applications as part of his regular duties. Whoever receives test applications should forward them to the proper service representative on the board for review and further handling.
- (f) Promotional tests will normally only be open to qualified and eligible employees in the next lower class in the line of promotion for the particular group. However, if there is no qualified and eligible employee in that class or if no one in that class applies for or passes a particular test or accepts appointment after having passed the test, then the test will be opened to qualified and eligible employees in the class of the next lower level in the group, and so on down the line of promotion, except as limited or otherwise provided for a particular classification. If a promotional list has not been established for the particular classification after opening the test to employees down through the entrance classification in the group (or such higher level as may be otherwise specified for the classification), then a competitive list may be established by test and certification and appointment therefrom made as necessary.
- (g) Competitive tests will normally be open to all qualified and eligible persons who meet the requirements of law and the board rules.
- (h) In the case of new employee applications:

- (1) All documents routinely required to accompany applications for admission to the test must be filed with the application, unless the board makes an exception and allows a late filing as it may when it considers it to be in the public interest to do so in a particular case, provided that all required documents are in the board's possession before the test is administered.
- (2) An applicant who fails the fire or police entrance test three times may not apply for employment again in that same departmental service unless the board considers it to be in the public interest to permit him to do so and expressly authorizes another application.

Section 3. Policy Statements

In order to promote consistency in its official actions and to provide guidance for all concerned, the board may from time to time adopt by resolution informal "policy statements" to indicate the board's established position on a particular matter, provided that such policy statements will always be consistent with applicable laws and the board's rules. The board may depart from or change a policy statement but will only do so upon a strong showing that a particular exception or modification is in the public interest. Such "policy statements" shall be kept in a special file by the secretary to facilitate reference and continuity in the board's handling of similar problems at different times.

Section 4. Equal Rights

As used throughout this board's rules, regulations, order, job descriptions, and classification plans, masculine gender and word forms are intended to include the feminine and vice versa, unless the contrary is clearly indicated in the context of a particular usage.

Section 5. Absenteeism

Excessive absenteeism, for whatever reason, shall be grounds for discharge. What constitutes "excessive absenteeism" will depend on the facts and circumstances of each case as the appointing authority may determine, subject to appeal to this board, in accordance with law.

Section 6. Public Relations

- (a) This board is mindful of the fact, as should be all classified employees, that public support is essential if pay scales and working conditions for public safety

employees are going to continue to be improved. Public support and cooperation is also essential for the safe and efficient performance of their duties by fire and police officers in all parts of the city. Accordingly, supervisory personnel at all levels of responsibility are encouraged and directed to inculcate upon all classified employees the importance of making an affirmative effort to promote and maintain good public relations with all types and classes of citizens at all times.

- (b) It is not the purpose of this rule to suggest that officers be instructed to approach any potentially dangerous situation with anything other than professional attitudes and overwhelming force where that is indicated. It is to suggest, however, that courtesy and careful treatment of the public is important, because the publicity resulting from charges or reports of mistreatment, however unsubstantiated, is never in the best interest of either of the departments over the long term.

MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD**SHREVEPORT, LOUISIANA****RULES AND REGULATIONS**

Gilbert L. Hetherwick, Chairman, Donald J. Zadeck, Vice Chairman
Herbert Webb, Captain Eddie Fouts, Fire Representative,
Officer John Erie, Police Representative
Adopted: February 10, 1982

**MUNICIPAL FIRE & POLICE CIVIL SERVICE BOARD
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